

Appl. No. 09/945,176  
Amdt. Dated 12/16/04  
Reply to Office action of 06/19/06

### **Remarks/Arguments**

The patent application was docketed to Examiner in the GAU on 01/19/2002. On 03/08/2002, 08/13/2003, 09/17/2004, the application was docketed to examiners in GAU. Again, in 11/23/2004 the application was docketed to another examiner. An Office Action Summary was prepared by Mr. David Jung and on 11/30/2004 was mailed to me for review as a Non-Final Rejection. The focus of the rejection was the Claims section of the application. All Seven of the Claims in my pending patent were rejected.

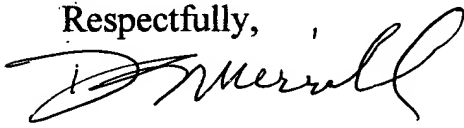
Upon receipt of these documents, I proceeded to review the disputed section and decided on a complete change to the Claims section. An amendment to the Claims section of the application was prepared indicating my changes. These and supporting documents were sent by Certified Mail to Mr. Jung on 12/16/2004. I received a certificate of receipt on 12/20/2004.

I received no further communication from Mr. Jung. The transaction history remained the same through 2004 and into 2005. Concerned with the disposition of my patent application I called the Patent Assistance Center. I was informed that the time had expired for response the Non-Final Rejection and that my patent might be abandoned. Alarmed, I tried to talk to Mr. Jung but was unable to get any response. Finally I called Mr Greg Morse and he said he would look into the matter and let me know by mail. I received no communication from either Mr. Jung or Mr Morse.

On 02/23/06 I called Mr. Morse and he said he would have Mr. Jung call me. The same day, Mr. Jung called but had no information about the application. In fact, he was almost totally incoherent. His manner on the telephone gave the impression that he did not know anything about my patent application? The only value I received from his call was a telephone number [1-800-786-9199].

Since that time, there have been four separate sets of communications between your offices and me concerning Amendment. The staff has been more than patient with me as I learned the proper Amendment Practices. This represents the fifth and (I hope) the final request for Amendment to Application 09/945,176. Please disregard all previous requests for amendment and consider this the only formal request. Further, that the Claims Section of patent application # 09/945,176 be considered as a timely and the process for its acceptance be continued.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Merrill", written in a cursive style.

Donald S. Merrill